

## REMARKS

The Office Action dated December 28, 2005, rejects the claims under Section 103(a) as unpatentable over Nakamura in view of Tischler et al. The same rejection was raised in the Office Action dated September 28, 2004, and withdrawn in the Office Action dated June 23, 2005, in view of our Office Action response dated March 25, 2005.

The current Office Action argues that "Tischler is silent to the crystallinity of the strained superlattice buffer," and therefore Tischler would suggest the use of "amorphous polycrystalline layers so that [the] superlattice buffer can function as a buffer, as taught by Nakamura." However, as noted in our response dated June 23, 2005, the amorphous or polycrystalline structure as claimed in the present invention is very different from the superlattice buffer described by Tischler. A super lattice is a periodically grown single crystal, and thus is generally grown at a relatively high temperature (e.g. for an AlGaAs/GaAs superlattice, the growth temperature is around 700° C; for an AlGaN/GaN superlattice, it is above 1000° C).

Thus, Tischler teaches away from the process of the present invention. Even if Tischler is combined with Nakamura, the combination does not teach or suggest a process that first forms the amorphous or polycrystalline multi-layered buffer of the present invention as claimed. Thus, the present invention as claimed is patentably distinguishable over the prior art. A Notice of Allowance is respectfully requested.

**CONCLUSION**

Applicants believe the pending claims are now in condition for allowance.

If any further questions should arise prior to a Notice of Allowance, the Examiner is respectfully invited to contact the attorney at the number set forth below.

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Respectfully submitted,



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